

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5850 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

JAYABEN PAMABHAI

Versus

STATE OF GUJARAT

Appearance:

MR PRASHANT G DESAI for Petitioner
MR VM PANCHOLI ADDL.GOVERNMENT PLEADER
for Respondent Nos. 1 & 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/1999

ORAL JUDGEMENT

Heard Mr. Purohit, learned counsel for the petitioner and Mr. V.M.Pancholi, learned AGP for the respondents.

2. The petitioner has challenged the order passed by the competent authority and the order passed by the Tribunal under the provisions of the Urban Land (Ceiling

& Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions received by the learned AGP from Mr. R.V.Raniya, Deputy Mamlatdar, in the office of respondent No. 2.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

Date: 7/7/1999 -----
(ccshah)